



Entered on Docket  
October 25, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Susan M. Freeman (AZ 4199)

*pro hac vice*

Rob Charles (NV 6593)

Anne M. Loraditch (NV 8164)

530 Las Vegas Boulevard South

Las Vegas, Nevada 89101

Telephone (702) 385-3373

Facsimile (702) 385-9447

Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)

[rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

[aloraditch@lrlaw.com](mailto:aloraditch@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**ORRICK, HERRINGTON &  
SUTCLIFFE LLP**

Marc A. Levinson (CA 57613)

*pro hac vice*

Jeffery D. Hermann (CA 90445)

*pro hac vice*

400 Capitol Mall

Sacramento, California 95814

Telephone: (916) 447-9200

Facsimile: (916) 329-4900

Email: [malevinson@orrick.com](mailto:malevinson@orrick.com)

[jhermann@orrick.com](mailto:jhermann@orrick.com)

*Attorneys for USA Capital Diversified Trust Deed Fund, LLC*

**SNELL & WILMER, LLP**

Robert R. Kinas (NV 06019)

Claire Dossier (NV 10030)

3883 Howard Hughes Parkway

Suite 1100

Las Vegas, Nevada 89169

Telephone: (702) 784-5200

Facsimile: (702) 784-5252

Email: [rkinas@swlaw.com](mailto:rkinas@swlaw.com)

[cdossier@swlaw.com](mailto:cdossier@swlaw.com)

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO ROSS DELLER'S  
CLAIM [NO. 10725-00041] FILED IN  
WRONG DEBTOR'S CASE; AND  
SUSTAINING OBJECTION OF DTFD TO  
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007

Hearing Time: 9:30 a.m.

**Affects:**

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

The Court having considered the “Objection of USACM Trust to Ross Deller’s Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of Claim” [Docket No. 4803] (the “Objection”); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

**IT IS HEREBY ORDERED** that:

1. The Objection is sustained;
2. Proof of Claim No. 10725-00041 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”); and
3. Ross Deller’s equity interest in DTDF is allowed in the amount of \$96,094.65 for account no. 3438, as reflected in DTDF’s books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ Anne M. Loraditch (008164)

Susan M. Freeman  
Rob Charles  
Anne M. Loraditch  
530 Las Vegas Boulevard South  
Las Vegas, Nevada 89101  
Telephone: (702) 385-3373  
Facsimile: (702) 385-5024

*Attorneys for USACM Liquidating Trust*

**SNELL & WILMER, LLP**

By /s/ Claire Dossier (010030)

Robert R. Kinas  
Claire Dossier  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Telephone (702) 784-5200  
Facsimile (702) 784-5252

and

**ORRICK, HERRINGTON &  
SUTCLIFFE LLP**

Marc A. Levinson  
Jeffery D. Hermann  
400 Capitol Mall, Suite 3000  
Sacramento, California 95814-4497  
Telephone: (916) 447-9200  
Facsimile: (916) 329-4900

*Attorneys for USA Capital Diversified  
Trust Deed Fund, LLC*

**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☐ approved the form of this order; and/or
  - ☐ waived the right to review the order; and/or
  - ☐ failed to file and serve papers in accordance with LR 9021(c); and
- the following have disapproved the form of the order:
- n/a
- ☒ No opposition was filed to the objection and no other party or counsel appeared at the hearing.

**LEWIS AND ROCA, LLP**

By: s/ Anne M. Loraditch

Anne M. Loraditch (Nevada Bar No. 8164)  
530 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

###